



PLANNING BOARD

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GRAFTON, MA

DECISION GRAFTON PLANNING BOARD SPECIAL PERMIT (2020-05) & SITE PLAN APPROVAL

**Conversion to Two-Family Dwelling
5 Waterville Street, N. Grafton, MA 01536
Julia T. Rando (Applicant/Owner)**

Decision of the Grafton Planning Board (hereinafter the Board) on the petition of Julia T. Rando, 5 Waterville Street, N. Grafton, MA 01536 (hereinafter the APPLICANT / OWNER), for a Special Permit (SP 2020-05) and Site Plan Approval to convert an existing single family with accessory office to a two-family dwelling on property located at 5 Waterville Street, N. Grafton, MA 01536, and shown as Grafton Assessor's Map 27, Lot 87; (hereinafter the SITE), and owned by Julia T. Rando by deed recorded in the Worcester District Registry of Deeds: Book 55953, Page 142.

I. BACKGROUND

The application for the Special Permit and Site Plan Approval (hereinafter Application) was filed with the Planning Board on March 13, 2020. A public hearing on the Application was opened on April 27, 2020. Notice of the public hearing and the subject matter thereof was published in the Grafton News on April 9 and 16, 2020, and posted with the Town Clerk's Office on April 10, 2020. Abutters were notified by First Class Mail.

The following Board members were present throughout the public hearing: Chair David Robbins, Vice Chair Robert Hassinger, Clerk Justin Wood, Members Linda Hassinger and Prabhu Venkataraman, and Associate Planning Board member Vikram Dave. At the hearing, Julia T. Rando (Applicant) presented the Application to the Board. Following public input, the hearing was closed on April 27, 2020. The record of the proceedings and submissions upon which this decision is based may be referred to in the Office of the Town Clerk or in the Office of the Planning Board.

II. SUBMITTALS

The following items were submitted to the Board for its consideration of this application:

EXHIBIT 1. Original Application Submission, received March 13, 2020 to include the following:

- a. Application for a Special Permit, signed by Julia T. Rando (Applicant), dated March 13, 2020, date stamped by the Town Clerk on March 13, 2020 and date stamped received by the Planning Board on March 13, 2020, 1 page.
- b. Application for a Site Plan Approval, signed by Julia T. Rando (Applicant), dated March 13, 2020, date stamped by the Town Clerk on March 13, 2020 and date stamped received by the Planning Board on March 13, 2020, 1 page.

- c. Certificate of Good Standing, signed by Amy Perkins, dated March 10, 2020 and date stamped received by the Planning Board on March 13, 2020, 1 page.
- d. Abutters Listing for 5 Waterville Street, Map 27, Lot 87, dated March 10, 2020, signed by Kenneth Michael O'Brien, MAA, Grafton Data Collector and date stamped received by the Planning Board on March 13, 2020, 1 page.
- e. Project Narrative titled, "Conversion from single family to two family dwelling at 5 Waterville Street, North Grafton, MA 01536", prepared by Julia T. Rando, 5 Waterville Street, North Grafton, MA, 01536, received by the Planning Board on March 13, 2020, 1 page.
- f. Waiver Request Form, date stamped received by the Planning Board on March 13, 2020, 3 pages.
- g. GIS Reference Property Map, 5 Waterville Street, dated March 11, 2020, date stamped received by the Planning Board on March 13, 2020, 1 page.
- h. Plan: "Site Plan", dated July 5, 2018, prepared by Land Planning, Inc., 214 Worcester Street, North Grafton, MA, 01536, in one (1) sheet.
- i. Plan: "Rando Conversion", dated March 2, 2020, prepared by Studio 59 East, 59 East Street, North Grafton, MA, 01536, in two (2) sheets.

EXHIBIT 2. Public Hearing Notice, date stamped by the Town Clerk on April 10, 2020, 1 page.

EXHIBIT 3. Email from Katrina Koshivos, Zoning Board of Appeals, to the Grafton Planning Board, regarding "5 Waterville Street – Rando – Two Family Dwelling", dated April 21, 2020.

EXHIBIT 4. Email from Normand Crepeau, Chief of Police, to the Grafton Planning Board, regarding "5 Waterville Street – Rando – Two Family Dwelling", dated April 21, 2020.

EXHIBIT 5. Email from Nancy Connors, Health Department, to the Grafton Planning Board, regarding "SP 2020-5/SPA, 5 Waterville St.", dated April 21, 2020.

EXHIBIT 6. Planner Comment Letter, dated April 24, 2020.

EXHIBIT 7. Plan: "Rando Conversion", dated March 2, 2020, prepared by Studio 59 East, 59 East Street, North Grafton, MA, 01536, in two (2) sheets. (REVISED)

III. FINDINGS

At their meeting of May 4, 2020, after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by **Mr. Hassinger**, seconded by **Mr. Venkataraman**) voted 5-0 to make the following Findings:

- F1.** That determinations regarding the following findings are based upon the documents and plans identified in this Decision, as well as the information and EXHIBITS submitted and presented in association with the Application.
- F2.** That the application for Special Permit is being sought to convert the existing single family and attached accessory office structure into a two-family dwelling. The existing structure is pre-existing non-conforming due to the existing 11' front yard setback, 13.1 side yard setback, and 5.2' rear yard setback. A 30' front yard setback, 15' side yard setback and 15' rear yard setback

is required in the R20 zoning district. The proposed conversion will consist of interior work only and will not intensify existing non-conformities.

- F3. That the Site is located within the Medium Density Residential (R20) District, which permits two-family dwellings with the issuance of a special permit.
- F4. That the lot is pre-existing non-conforming due to the 16,943 sq. ft. lot area, where the district minimum lot size required is 20,000 sq. ft.
- F5. That the Applicant provided responses to the Planning Board's criteria for granting special permits (Exhibit 1.e).
- F6. With regard to Section 1.5.5 (a) of the ZBL, that based upon the Findings stated within this Decision, ingress and egress to the property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe, are adequate.
- F7. With regard to Section 1.5.5(b) of the ZBL, that based upon the Findings stated within this Decision, off-street parking and loading areas where required, and the economic, noise, glare, or odor effects of the Special Permit on adjoining properties and properties generally in the district are satisfactory.
- F8. With regard to Section 1.5.5(c) of the ZBL, that based upon the Findings stated within this Decision, refuse collection or disposal and service areas are satisfactory.
- F9. With regard to Section 1.5.5(d) of the ZBL, that based upon the Findings stated within this Decision, screening and buffering with reference to type, dimensions and character are adequate.
- F10. With regard to Section 1.5.5(e) of the ZBL, that based upon the Findings stated within this Decision, signs and exterior lighting with reference to glare, traffic safety, economic effect are compatible and in harmony with properties in the district.
- F11. With regard to Section 1.5.5(f) of the ZBL, that based upon the Findings stated within this Decision, the required yards and other open space requirements are adequate.
- F12. With regard to Section 1.5.5(g) of the ZBL, that the proposed use of the property (as presented in the EXHIBITS stated within this Decision) is generally compatible with adjacent properties and properties in the district.
- F13. With regard to Section 1.5.5(h) of the ZBL, that upon satisfying and complying with all applicable Board of Health requirements, and based upon the Findings stated within this Decision, they will not have a significant adverse impact on a public or private water supply. The structure will be served by Town water and sewer services.
- F14. With regard to Section 1.5.5(i), that the Board finds that based on the Exhibits and Findings stated within this Decision that there will not be any significant or cumulative impact upon municipal water supplies. The structure will be served by Town water and sewer services.
- F15. With regard to Section 1.5.5(j) of the ZBL, that, based upon the Findings stated within this Decision, protection of important historic, cultural and scenic landscapes with regard to the proposed development is satisfactory. No information was received or discussed regarding this matter.

- F16. That Section 1.3.3.2 of the ZBL requires that the procedure for Site Plan Review, as defined in the ZBL, be incorporated into the procedure for reviewing Special Permits.
- F17. That Section 1.3.3.3 of the ZBL defines the procedure for Site Plan Review, including a description of the plans and materials to be submitted to the Planning Board. The Board further finds that Section 1.3.3.4 of the ZBL allows an applicant to request waivers from certain requirements of the Site Plan Review procedure.

WAIVER REQUESTS

At their meeting of May 4, 2020, after due consideration of the waiver requests submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by **Mr. Hassinger**, seconded by **Mr. Venkataraman**) voted **5-0** to approve the following waivers:

1. Site Plan Requirements – Section 1.3.3.3(d). The Applicant notes no exterior changes to the property are proposed.
2. Stormwater Management Hydrological Study – Section 1.3.3.3(e). The Applicant notes no exterior changes to the property are proposed.
3. Earthwork Calculations – Section 1.3.3.3(f). The Applicant notes no exterior changes to the property are proposed.
4. Traffic Study – Section 8.2. The Applicant notes conversion from existing single family to two family with no exterior changes to the property is proposed.

IV. DECISION and CONDITIONS

At their meeting of May 4, 2020, after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by **Mr. Hassinger**, seconded by **Mr. Venkataraman**) voted **5-0** to **GRANT** the Application for Special Permit and Site Plan Approval with the following conditions:

- C1. This Special Permit and Site Plan Approval is granted specifically for the conversion of an existing single family dwelling to a two-family dwelling as defined by the Grafton Zoning By-Law, as identified in EXHIBIT #1, and as presented by the Applicant during the public hearing.
- C2. The work authorized by this Special Permit and Site Plan Approval shall be solely for the purposes noted within Condition #1 of this Decision. Changes to plan presented in this Application may be made only upon authorization from the Planning Board. Such authorization shall only be granted provided the Board finds that any change requested by the Applicant is not substantially different than the plan presented within the EXHIBITS of this Decision and is consistent with the intent and purpose of this Decision. Requests for such change(s) shall be submitted in writing to the Planning Board.
- C3. Hours of construction shall only occur Monday through Friday between the hours of 7:00 a.m. and 5:00 p.m. and Saturdays from 8:00 a.m. and 5:00 p.m. There shall be no construction activity on Sundays or State and Federal holidays.

- C4. All maintenance of the Site hereafter shall be in accordance with all applicable Federal, State and Local regulations.
- C5. In accordance with Section 1.5.8 of the ZBL, this Special Permit and Site Plan Approval shall lapse within one (1) year from the date of the expiration of the appeal period if substantial use, or construction, has not been commenced except in accordance with the law. Any request for an extension of said period of validity shall be considered a Modification of this Special Permit, and such request shall be filed and reviewed in accordance with the procedure specified in Section 1.5 of the ZBL.
- C6. This Special Permit decision shall be recorded at the Worcester District Registry of Deeds within thirty (30) days following the expiration of the appeal period. A copy of such recorded Special Permit decision, including Deed Book and Page Number, shall be submitted to the Planning Board office within thirty (30) days of recording.
- C7. By recording this Special Permit Decision in the Worcester Registry of Deeds, the applicant agrees to and accepts the conditions set forth in this Special Permit decision.
- C8. Any modification to the use or Site as described within this Decision and as presented to the Board during the public hearing and in the above referenced EXHIBITS shall require, prior to implementing such change, a determination from the Planning Board as to whether the proposed change is substantially different than presented in the materials and information used in making this Decision. The Planning Board reserves the right to solicit comments from other Town boards, departments and committees, as well as its consulting engineer, in making determinations regarding such changes. The Planning Board may, upon its determination, require a modification of this Decision (or other approvals if deemed necessary) if it finds that the proposed change(s) are substantial in nature and of public concern, and substantially alter the plans and information used in making this Decision. Any Modification of this Decision shall be made pursuant to Section 1.3.3 of the Zoning By-law, and any other applicable regulations.

V. RECORD OF VOTE

Constituting a majority of the Planning Board, the following members voted **5-0** to **APPROVE** the Modification of the Special Permit & Site Plan Approval Application with Conditions for the conversion of an existing single family with attached accessory office to a two-family dwelling at 5 Waterville Street based on the information received at the public hearing and the aforementioned findings.

David Robbins, Chairman AYE

Linda Hassinger, Member AYE

Robert Hassinger, Vice Chairman AYE

Prabhu Venkataraman, Member AYE

Justin Wood, Clerk AYE

DATE OF FILING OF DECISION:



Christopher J. McGoldrick, Town Planner

BY ORDER OF THE BOARD

May 20, 2020

Date

cc: Applicant / Owner, Building Inspector, Assessor

To Whom It May Concern: This is to certify and verify that twenty (20) days have elapsed since this decision was filed in the Town Clerk's office and that no appeals have been filed in reference to same, or that, if such appeal has been filed, it has been dismissed or denied.

Kandy Lavallee, Town Clerk

Date